Docket No.: K0181.70025US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gareth Wakefield et al.
Serial No.:	10/587,549
Confirmation No.:	8921
Filed:	April 9, 2007
For:	METAL OXIDE PARTICLES USEFUL AS FREE RADICAL SCAVENGERS IN SUNSCREEN AND COSMETIC COMPOSITIONS
Examiner:	Cornet, Jean P.
Art Unit:	1614

Certificate of Electronic Filing Under 37 CFR 1.8
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Dated: June 4, 2009 Signature: /Sylvana Householder/

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION AND SPECIES ELECTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 12, 2009, Applicant hereby elects Group II, claims 1 and 15-20 for further prosecution.

In response to the species election requirement, Applicant elects an oxide of manganese, with traverse, for the following reasons.

The individual metal oxide species specified in claims 3 and 4 do not lack unity of invention under PCT Rule 13.1 because they share a special technical feature that links each of the individual metal oxide species to form a single general inventive concept. Each of the metal oxides specified in claim 3 possess adjacent oxidation states, which are suitable to allow them to be able to act as free radical scavengers.

The meaning of the term "adjacent oxidation states" is explained on page 2, lines 17-19 of the application as filed. The description refers to metals having neighboring oxidation states, which are sufficiently closely spaced in order to allow the metal to be reduced upon contact with a free radical, e.g., $M^{3+} + e^- \rightarrow M^{2+}$. Such metals are able to undergo redox reactions and may react with electrons (i.e., scavenge free radicals), as shown below (wherein M represents the metal of the metal oxide of the invention).

$$M^{n+} + e^- \rightarrow M^{(n-1)+}$$

The individual metal oxides specified in claims 3 and 4 do therefore share a special technical features and are unified, and therefore should be examined in this application.

The elected species correspond to claims 1 and 15-20 as elected and now pending.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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